

09/769,452

REMARKS

Claims 1-25, all the claims pending in the application, stand rejected on prior art grounds. Applicant respectfully traverses this rejection based on the following discussion.

I. The Prior Art Rejections

Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being anticipated by Emery (US Patent 5,727,057) in view of Glorikian (U.S. Patent No. 6,343,317). Applicant respectfully traverses this rejection based on the following discussion.

The Office Action admits that Emery does not teach a portable wireless device that sorts data presented to the user in a shortest-distance-first order and refers to Glorikian as teaching this feature. However, neither of these references teach the claimed feature of the invention that performs the shortest-distance-first sorting process. All that is taught by the prior art of record is that all data within the database is tested to determine whether it is within a given distance (e.g., one meter, one kilometer, etc.) of position X and if it is, the data is displayed, if it is not, the data is not displayed. This process does not involve any type of sorting and neither reference implies any form of sorting, much less displaying information to the user in a shortest-distance-first order. Therefore, as explained in greater detail below, it is Applicant's position that the claimed invention is patentable over the prior of record.

More specifically, the Office Action argues that in column 5, line 37-column 6, line 28, Glorikian explains that information can be sorted, within said CWC, in a shortest-distance-first order. However, Applicants respectfully submit that Glorikian only discloses displaying all data related to a nearby location (that is, data who's distance is less than the given threshold distant), without sorting the information in a shortest-distance-first order.

More specifically, the example provided in column 5, line 37-column 6, line 28, of Glorikian discusses a tourist walking around historic Colonial Williamsburg Virginia and being provided descriptive information of items that occurred at the users present location (without any

09/769,452

information sorted in a shortest-distance-first order). For example, column 6, lines 1-14 described that the user is provided information regarding a certain house when the user is positioned in front of the house, without any shortest-distance-first order being placed on information. Similarly, in the Metropolitan Museum of Art in Manhattan New York example appearing in column 7, line 27-column 8, line 38, the user is provided information regarding the room that they are entering, or information on the exhibit in front of which they are standing, without any shortest-distance-first order being placed on the information. Glorikian stresses the importance of the rate of user movement and pattern of user movement as determining what granularity or type of information is provided to the user (column 6, lines 29-38; column 8, lines 27-38).

Even the advertising information discussed in columns 10 and 11 is not sorted or presented to the user in a shortest-distance-first order. While Glorikian explains that the advertisements can be made in "a geographically-focused manner" this information is simply evaluated for a given radius or distance without being provided in shortest-distance-first order. For example, in column 10, lines 54-57, Glorikian explains that a list of local restaurants can be provided to the user; however, nowhere does Glorikian describe that this list is provided in a shortest-distance-first order. Similarly, in the remainder of that paragraph and in the following paragraphs appearing in column 10, line 57-column 11 line 6, Glorikian explains that the information that is provided to the user can be changed as the user's location changes. However, again, Glorikian only provides information regarding the travelers "instant location" indicating that the data is provided for a certain distance or radius from the user, without any indication that the information is provided in the shortest-distance-first order as defined by Applicants' claims.

Furthermore, there is no implication that any sorting process is performed when providing information that is within a given distance from a user. The only process that can be inferred from the teachings of Glorikian and Emery is that a yes/no selection process is performed that only presents information that meets the given criteria (e.g., within one kilometer of position X), without any indication of any sorting being performed. Therefore, all that is taught by the prior art of record is that all data within the database is tested to determine whether it is within a given

09/769,452

distance (e.g., one meter, one kilometer, etc.) of position X and if it is, the data is displayed, if it is not, the data is not displayed. This process does not involve any type of sorting and neither reference implies any form of sorting, much less displaying information to the user in a shortest-distance-first order.

In the examples in Glorikian, data that is near the user's current position is pushed to the user's CWC. This is a selection process where all data related to a nearby location (that is, its distance is less than the given threshold) is pushed to the CWC. Glorikian does not discuss how data about multiple nearby locations would be prioritized.

Thus, it is Applicants' position that the prior art of record does not teach or suggest "sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC ; and displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC" (claims 1, 10, and 23) or "a session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager in a shortest-distance-first order; and a graphic user interface adapted to display said geo-spatial dependent data in said shortest-distance-first order" (claim 18). Therefore, it is Applicants' position that independent claims 1, 10, 18, and 23 are patentable over the prior art of record.

Dependent claims 2-9, 11-17, 19-22, 24, and 25 are similarly patentable, not only by virtue of their dependency from a patentable independent claim, but also by virtue of the additional features of the invention they define. For example, the Office Action rejects claim 3 based on the rejection of claim 1, and because Emery teaches a method where "determining of the location of the CWC includes accessing an area code". However, the quoted section of Emery (column 16, lines 2-8) does not teach how to determine a location from an area code, but rather how to determine an area code (embedded in a Directory Number DN) from a location ID by querying a database. The section quoted by the Office Action refers to Figure 8 in Emery. The figure is a flowchart that explains how call routing, including follow-me calling services, is provided (Emery, col. 3, lines 18-21). In call routing, the system first determines the destination party's telephone number from the digits entered or words spoken by the originating party. The current location of the destination party is then queried from the database. The route from the

09/769,452

originating party's phone to the destination party's phone is then planned by querying the numbering and routing plan database (col. 16, lines 2-8). The telephone call is then routed according to that plan. Emery does not teach how to translate a telephone user's area code to his/her location and Emery does not make such a claim. The reason is that a wireless telephone user may be located anywhere, and the area code or phone number do not determine the user's location.

The Office Action rejects claims 4 and 12 based on the rejection of claims 1 and 10 and because "Emery further teaches where the determining of the location of the CWC includes explicit entry of location data". However, the section quoted by the Office Action (column 11, lines 40-42), does not teach how to determine the location of the CWC but rather how to form a search query, which may or may not be the same as the location of the CWC. A user may want to know the location of a restaurant 10 miles away from the CWC.

The Office Action rejects claims 5 and 13 based on the rejection of claims 1 and 10 and because "Emery further teaches of storing the location into the CWC by inputting the location in a location tracking database". However, the section quoted by the Office Action (column 7, lines 19-24), explicitly states that the location ID is stored in the billing database, which does not reside in the CWC.

The Office Action rejects claims 8 and 16 based on the rejection of claims 1 and 10 and because "Glorikian further teaches where sorting comprises calculating a distance ... and ordering the datum by the distance". However, the section quoted by the Office Action (column 6, lines 1-14), discusses selection, not sorting (see arguments for claims 1 and 10 above). The section referenced by the Office Action does not discuss "shortest-distance-first order." The referenced section does not describe any kind of sorting and therefore also does not introduce the concept of "top".

The Office Action rejects claim 9 based on the rejection of claim 1 and because "Emery further teaches where sorting of the document database in a location-dependent order". However, the section quoted by the Office Action (column 6, lines 42-45), does not discuss sorting at all. The referenced section discusses how to update location information in telephony databases.

09/769,452

The Office Action rejects claim 17 based on the rejection of claim 10 and because "Emery further teaches where sorting of the document database in a location-dependent order ... upon user preference". However, the section quoted by the Office Action (column 12, lines 49-55), does not discuss preferences at all. The referenced section discusses how to provide a street route from the calling subscriber's location.

The Office Action rejects claim 18 because "Glorikian teaches ... where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order". However, the sections quoted by the Office Action (col. 5, lines 37-67 and col. 6, lines 1-29), do not discuss sorting. Glorikian discusses selection of data that satisfies a distance threshold criterion so that all data relevant to a position less than a certain distance away is presented to the user. As argued in claims 1 and 10, there is no notion of sorting in Glorikian's description.

The Office Action rejects claim 19 based on the rejection of claim 18 and because "Emery also teaches where the editor and recorder comprise editing components". However, the section quoted by the Office Action (column 14, lines 1-20), does not discuss editing but fraud detection. The Office Action rejects claim 20 because "Emery further teaches where the presenter retrieves documents from the document database and sorts them". However, the section quoted by the Office Action (column 15, lines 5-8), it does not discuss sorting at all. Emery discusses posting telephone call data into a call trace record.

The Office Action rejects claim 21 based on a rejection of claim 20 and because "Emery further teaches where the CWC further includes global positioning satellite (GSP) position components and distance determination for sorting". However, the item quoted by the Office Action (Figure 1, item 107), does not relate to sorting at all. Emery makes no disclosure about sorting data based on GPS location information.

The Office Action rejects claim 22 based on a rejection of claim 20 and because "Emery also teaches where the CWC includes position determining components for sorting the document database ... determine location of the CWC by accessing area code". However, the section quoted by the Office Action (column 16, lines 4-8), does not discuss determining a location from an area

09/769,452

code, but rather how to determine an area code (embedded in a Directory Number DN) from a location ID by querying a database. See details in the above arguments for claim 3.

The applied prior art references do not teach or suggest the claimed features. More specifically, as shown in Figure 1 of Emery, the mobile device 105.1 does not include any sorting capabilities. Similarly, Glorikian illustrates, in Figure 1, relatively unsophisticated wireless components 29, 31 with all the sorting and database operations being performed within a complicated infrastructure system 11. To the contrary, the claimed invention does not require substantial changes to the existing infrastructure and instead includes the sophistication and inventive features within the wireless device itself.

Thus, it is Applicants' position that the prior art of record does not teach or suggest "sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC ; and displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC" (claims 1, 10, and 23) or " a session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager in a shortest-distance-first order; and a graphic user interface adapted to display said geo-spatial dependent data in said shortest-distance-first order" (claim 18). Therefore, it is Applicants' position that independent claims 1, 10, 18, and 23 are patentable over the prior art of record. Dependent claims 2-9, 11-17, 19-22, 24, and 25 are similarly patentable. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. Formal Matters and Conclusion

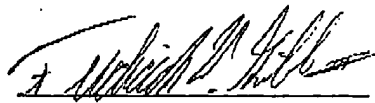
Applicants submit that claims 1-25, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

09/769,452

Please charge any deficiencies and credit any overpayments to Attorney's Deposit
Account Number 09-0441.

Respectfully submitted,

Dated: 1-19-05


Frederick W. Gibb, III
Reg. No. 37,629

McGinn & Gibb, P.C.
2568-A Riva Road
Suite 304
Annapolis, MD 21401
(301) 261-8071
Customer Number: 28211